

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
TUESDAY, MARCH 7, 2006 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-S500: Matter of Whether to Provide for Defense of Former Employee in City of San Diego v. Means, et al.

(See City Attorney Report dated 2/15/2006.)

(Continued from the meeting of February 27, 2006, Item 201, at the request of Councilmember Hueso, for further review.)

CITY ATTORNEY’S RECOMMENDATION:

Adopt the resolution for either Option A or Option B:

(R-2006-721 Option A)

Finding that an inherent conflict of interest exists between the City of San Diego and former employee Tracy Means in that the City is a plaintiff in the action against Ms. Means in the lawsuit described above, and therefore, declines to provide a defense to Ms. Means under the exceptions provided by California Government Code Sections 995.2 and 995.4;

Finding that the complaint contains allegations of fraud and corruption and, therefore, declines to provide a defense to Ms. Means under the exceptions provided in California Government Code Section 995.2.

OR

(R-2006-721 Option B)

Authorizing the payment of attorney’s fees and costs related to the provision of a defense of former employee Tracy Means in the action entitled City of San Diego v. Tracy Means, et. al., San Diego Superior Court Case No. GIC 858344, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.